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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Order 1, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Elberta peaches grown in the State of California.

Order, as amended. During the period beginning at 3 p. m. P. S. T., July 6, 1949, and ending at 12:01 a. m., P. S. T., September 16, 1949, the provisions in paragraph (b) (1) (i) of § 936.349 (Elberta Peach Order 1, 14 F. R. 3179) shall read as follows:

(i) Any package or container of Elberta peaches containing peaches which are not well matured, except that a tolerance of twenty-five (25) percent shall be allowed for peaches which are mature

but not well matured, in addition to any tolerance for immature peaches allowed by the U. S. No. 1 grade as specified in the United States Standards for Peaches, § 51.312 of this title (peaches which are well matured are defined in subparagraph (2) of this paragraph);

Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Elberta Peach Order 1, or (2) as releasing or extinguishing any violation of said Elberta Peach Order 1 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(48 Stat. 31, as amended, 7 U. S. C. and Sup. I 601 et seq; 7 CFR, Part 936; 14 F. R. 2684)

Done at Washington, D. C., this 6th day of July, 1949.

[SEAL]

S. R. SMITH,

Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5621; Filed, July 11, 1949; 8:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 121]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ARKANSAS, TEXAS, AND UTAH

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Es-

¹ 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705.

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1949 Edition

CODE OF FEDERAL REGULATIONS

The following book is now available:

Title 16 (\$3.50)

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. Schedule A, Item 24, is amended to describe the counties in the Defense-Rental Area as follows:

Craighead, Jackson, and Lawrence. Randolph.

This decontrols from §§ 825.81 to 825.92 (1) the City of Batesville in Independence County, Arkansas, a portion of the Newport-Walnut Ridge, Arkansas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent

Act of 1947 as amended, and (2) the remainder of Independence County on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act. 2. Schedule A, Item 308a, is amended to describe the counties in the Defense-Rental Area, as follows:

Ellis; Navarro, except the City of Corsicana; and Kaufman, except the City of Kaufman.

This decontrols from §§ 825.81 to 825.92 the City of Kaufman in Kaufman County, Texas, a portion of the Corsicana, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947 as amended.

3. Schedule A, Item 313, is amended to read as follows:

(318) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) the City of Greenville, in the Greenville, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947 as amended, and (2) the remainder of said act.

4. Schedule A, Item 335, is amended to read as follows:

(335) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 (1) Provo City in the Provo, Utah, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947 as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective July 7, 1949.

Issued this 7th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5616; Filed, July 11, 1949; 8:51 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,¹ Amdt. 122]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSISSIPPI

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

¹ 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705.

Schedule A, Item 162, is amended to describe the counties in the Defense-Rental Area as follows:

Harrison, except Pass Christian, Hendersons Point and the City of Gulfport.

This decontrols from §§ 825.81 to 825.92 the Town of Ocean Springs in Jackson County, Mississippi, and the City of Gulfport in Harrison County, Mississippi, portions of the Biloxi-Pascagoula, Mississippi, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective July 7, 1949.

Issued this 7th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5617; Filed, July 11, 1949;
8:53 a. m.]

[Controlled Housing Rent Reg.,¹ Amdt. 126]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ARKANSAS, TEXAS AND UTAH

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 24, is amended to describe the counties in the Defense-Rental Area as follows:

Craighead, Jackson, and Lawrence.
Randolph.

This decontrols from §§ 825.1 to 825.12 (1) the City of Batesville in Independence County, Arkansas, a portion of the Newport-Walnut Ridge, Arkansas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947 as amended, and (2) the remainder of Independence County on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

2. Schedule A, Item 308a, is amended to describe the counties in the Defense-Rental Area as follows:

Ellis; Navarro, except the City of Corsicana; and Kaufman, except the City of Kaufman.

This decontrols from §§ 825.1 to 825.12 the City of Kaufman in Kaufman County, Texas, a portion of the Corsicana, Texas, Defense-Rental Area, based on a resolution

submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947 as amended.

3. Schedule A, Item 318, is amended to read as follows:

(318) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) the City of Greenville, in the Greenville, Texas, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947 as amended, and (2) the remainder of the said Defense-Rental Area on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

4. Schedule A, Item 335, is amended to read as follows:

(335) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 (1) Provo City in the Provo, Utah, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947 as amended, and (2) the remainder of said Defense-Rental Area on the Housing Expediter's own initiative, in accordance with section 204 (c) of said act.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective July 7, 1949.

Issued this 7th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5618; Filed, July 11, 1949;
8:53 a. m.]

[Controlled Housing Rent Reg.,¹ Amdt. 127]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISSISSIPPI

The controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, Item 162, is amended to describe the counties in the Defense-Rental Area as follows:

Harrison, except Pass Christian, Hendersons Point and the City of Gulfport.

This decontrols from §§ 825.1 to 825.12 the Town of Ocean Springs in Jackson County, Mississippi, and the City of Gulfport in Harrison County, Mississippi,

pi, portions of the Biloxi-Pascagoula, Mississippi, Defense-Rental Area, based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Congress; 50 U. S. C. App. 1894)

This amendment shall become effective July 7, 1949.

Issued this 7th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5619; Filed, July 11, 1949;
8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

PART 60—AIR TRAFFIC RULES

[Supp. 7, Amdt. 6]

DANGER AREAS

Under sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, the Administrator of Civil Aeronautics is authorized to designate as a danger area any area within which he has determined that an invisible hazard to aircraft in flight exists, and no person may operate an aircraft within a danger area unless permission for such operation has been issued by appropriate authority. Such areas have been designated and published.

The following danger area alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and should be adopted without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Acting pursuant to sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and § 60.103 of the Civil Air Regulations, and in accordance with sections 3 and 4 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter I, Part 60, § 60.103-1, as follows:

1. A Little Rock, Arkansas, area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Little Rock (Little Rock Chart).	Beginning at lat. 35°00'00" N, long. 92°23'00" W; E to long. 92°15'00" W; S to lat. 34°55'30" N; E to long. 92°14'00" W; S to lat. 34°50'00" N; W to long. 92°19'00" W; N to lat. 34°54'00" N; W to long. 92°23'30" W; N to lat. 35°00'00" N, long. 92°23'00" W, point of beginning.	Surface to 20,000 feet.	Daily, July 10 to July 24, 1949.	Arkansas and Louisiana National Guard units.

¹ 13 F. R. 5706, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556, 3617, 3672, 3673, 3704, 3705.

2. The Elkader, Iowa, area is deleted. (Secs. 205 (a), 601, 52 Stat. 984, 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 551; Reorg. Plans Nos. III and IV of 1940, 3 CFR, Cum. Supp., 5 F. R. 2107, 2421)

This amendment shall become effective on July 15, 1949.

[SEAL] DONALD W. NYROP,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 49-5628; Filed, July 11, 1949;
8:56 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.91]

PART 65—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE CULTURAL COOPERATION PROGRAM

GRANTS TO U. S. LEADERS

Under the authority contained in R. S. 161 (5 U. S. C. 22) and section 4 of Public Law 73, 81st Congress, Part 65 (formerly published as Part 28, Departmental Regulation 1) of Title 22 of the Code of Federal Regulations which became effective on August 21, 1944 (22 CFR, 1944 Supp.) is hereby amended by revising § 65.9 to read as follows:

§ 65.9 *Grants to United States leaders.* A citizen of the United States who has been awarded a grant as a leader may be entitled to any or all of the following when authorized:

(a) *Transportation expenses.* Transportation and miscellaneous expenses in the United States and abroad, including baggage charges, and per diem in lieu of subsistence at the maximum rates allowable while in a travel status, in accordance with the provisions of the Standardized Government Travel Regulations and the Travel Expense Act of 1949 (Public Law 92, 81st Congress), except that where such payments are made from funds whose expenditure is exempted from compliance with the said Travel Regulations and Travel Expense Act by the provisions of the applicable appropriation act or Presidential letter of allocation the traveler shall be reimbursed for his travel expenses as provided in his travel order. The traveler shall be considered as remaining in travel status during the entire period covered by his order unless otherwise specified. During periods of reorientation within the United States, travel to and from the official home or station of the grantee, without cessation of compensation or authorized allowances, may be paid as specified in the travel order.

(b) *Advance of funds.* Advances of funds including per diem.

(c) *Compensation.* Compensation at a rate to be fixed in each case in the grant.

(d) *Absence from duty.* Absences from duty without cessation of compensation or allowances may be permitted when authorized, subject to the approval of the appropriate supervising officer.

(e) *Allowances.* Appropriate allowances as fixed in the grant.

(f) *Books and equipment.* The cost of books, teaching materials, laboratory equipment, etc., in an amount to be authorized in each case. Such materials and equipment unless otherwise ordered, shall be selected by the traveler and purchased and shipped by the Department, and at the conclusion of the mission shall be transferred to and become the property of an appropriate local institution, or be otherwise disposed of, as directed by the Department.

(g) *Stenographic and other services.* The cost of stenographic and other services when authorized as provided for in the Standardized Government Travel Regulations or by contract entered into by the Department at the request of the traveler. The contracting officer of the appropriate diplomatic or consular office is authorized to enter into such contracts on behalf of the Department.

(h) *Transportation of families.* Cost of transportation, including fees connected with obtaining birth certificate, photographs, passports, visas, necessary inoculations, carnet, exit visa, or other documents required for entry into or exit from foreign countries, of immediate dependents, comprising wife and children under 21 years of age when going to and returning from posts of assignment in foreign countries, as authorized in the travel order.

(i) *Transportation of remains.* The actual expense of preparing and transporting to his former home, the remains of a person who may die while away from such home participating in the activities authorized by his grant.

(j) *Applicability of paragraphs (d) and (h) of this section.* Privileges set forth in paragraphs (d) and (h) of this section apply, when specifically authorized, only to grants awarded to United States citizens for service in cultural centers assisted by the Department. (R. S. 161, 5 U. S. C. 22. Sec. 4, Pub. Law 73, 81st Cong.)

This regulation as thus revised shall become effective immediately upon publication in the FEDERAL REGISTER.

[SEAL] JOHN E. PEURIFOY,
Deputy Under Secretary of State.

JULY 5, 1949.

[F. R. Doc. 49-5610; Filed, July 11, 1949;
8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 664—TOBACCO

SUBPART—1948 TOBACCO LOAN PROGRAM

Correction

In F. R. Document 49-5480, appearing on page 3732 in the issue for Thursday, July 7, 1949, make the following change in the table: Opposite Grade N1 the Ad-

vance Rate should read "5" instead of "11".

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 31—CLAIMS FOR LOSS OF OR DAMAGE TO PROPERTY DEPOSITED BY ALIEN ENEMIES

SETTLEMENT OF CERTAIN CLAIMS AGAINST THE UNITED STATES BASED ON LOSS OF OR DAMAGE TO PERSONAL PROPERTY DEPOSITED PURSUANT TO REGULATIONS OF THE ATTORNEY GENERAL.

There are hereby prescribed the following regulations relating to the consideration, settlement, and payment by the Attorney General of claims against the United States for damage to, or loss or destruction of, personal property deposited by alien enemies or United States citizens of Japanese ancestry in the manner provided in the regulations promulgated by the Attorney General on February 5, 1942, as amended:

- Sec.
- 31.1 Filing of claims.
 - 31.2 Documents to accompany claim.
 - 31.3 Consideration of claim.
 - 31.4 Basis of valuation.
 - 31.5 Payment of claim.
 - 31.6 Claims in excess of \$1,000.
 - 31.7 Rejection of claim.
 - 31.8 Finality of administrative determination.
 - 31.9 Time within which claims may be filed.

AUTHORITY: §§ 31.1 to 31.9 issued under act of Mar. 15, 1949, Pub. Law 17, 81st Cong.

§ 31.1 *Filing of claims.* All claims submitted for the consideration of the Attorney General pursuant to the act of March 15, 1949, Public Law 17, 81st Congress, shall be filed in duplicate on a form which shall be furnished the claimant at his request by the Administrative Assistant to the Attorney General, Department of Justice, Washington, D. C., and which shall indicate the information to be furnished by the claimant, including a description of the property, facts concerning its deposit and value, efforts made to recover it, and other information necessary for the identification of the property. The claim form, properly filled out and signed by the claimant shall be filed with the Administrative Assistant to the Attorney General, Department of Justice.

§ 31.2 *Documents to accompany claim.* The following documents shall accompany the claim when it is filed:

(a) A copy of the receipt showing deposit of the property in accordance with regulations of the Attorney General, or if such receipt is not available a statement establishing the fact that the property was so deposited.

(b) An affidavit by the claimant which states that the property was not used for espionage or other illegal purposes.

§ 31.3 *Consideration of claim.* If, upon consideration, it is administratively determined that the claim is valid in whole or in part, a voucher showing the amount found due, if such amount is not

in excess of \$1,000, shall be forwarded to the claimant for his signature. The voucher shall state that the claimant accepts the amount stated therein in full satisfaction and final settlement of any claim which the claimant may have against the United States, arising on or after December 7, 1941, for damage to, or loss or destruction of, personal property deposited in the manner provided in the regulations promulgated by the Attorney General on February 5, 1942, as amended. Standard Voucher Form No. 1145 may be used, modified to meet the requirements of the regulations contained in this part.

§ 31.4 *Basis of valuation.* In determining the amount due the claimant, the value of the property at the time of deposit shall be used as the basis of valuation.

§ 31.5 *Payment of claim.* If the amount found due, not in excess of \$1,000, is satisfactory to the claimant he shall sign the voucher and return it to the Administrative Assistant to the Attorney General, and payment shall thereupon be made to the claimant in accordance with the voucher.

§ 31.6 *Claims in excess of \$1,000.* If, in the opinion of the Attorney General, the claimant is entitled to an amount in excess of \$1,000, the Attorney General may report such claim to the Congress for its consideration; and the claimant shall be notified as to the action taken on his claim.

§ 31.7 *Rejection of claim.* If, upon consideration, it is administratively determined that no amount is due on the claim, the claimant shall be so notified.

§ 31.8 *Finality of administrative determination.* Any administrative determination, decision, or settlement made under the authority of the act of March 15, 1949, Public Law 17, 81st Congress, and the regulations contained in this part shall be final and conclusive.

§ 31.9 *Time within which claims may be filed.* No claim under the act of March 15, 1949, Public Law 17, 81st Congress, shall be considered unless presented in writing on or before March 15, 1950.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) with respect to notice of proposed rule making and delayed effective date is impracticable and contrary to the public interest since the regulations prescribed by the order are required to carry out the provisions of the act of March 15, 1949, Public Law 17, 81st Congress, which authorizes the settlement and payment of claims based on loss of or damage to property deposited by alien enemies pursuant to regulations of the Attorney General, and which provides that no such claim shall be considered unless presented in writing within one year after the date of the act.

TOM C. CLARK,
Attorney General.

JULY 6, 1949.

[F. R. Doc. 49-5630; Filed, July 11, 1949;
8:56 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

PRESCRIPTION OF NUMBERS IN GRADE

1. Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers are authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1949, and ending June 30, 1950:

Director grade.....	214
Senior grade.....	436
Full grade.....	377
Senior assistant grade.....	332
Assistant grade.....	68
Junior assistant grade.....	29

(Sec. 4 (b), Pub. Law 425, 80th Cong., 62 Stat. 39)

2. This amendment shall be effective as of July 1, 1949.

Dated: June 30, 1949.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: July 1, 1949.

J. DONALD KINGSLEY,
Acting Federal Security
Administrator.

[F. R. Doc. 49-5614; Filed, July 11, 1949;
8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Federal Security Agency, General Administration

PART 40—REIMBURSEMENT FOR DAMAGE OR DESTRUCTION OF PERSONAL BELONGINGS OF OFFICERS AND EMPLOYEES

Sec.	
40.1	Who are officers and employees.
40.2	Scope.
40.3	Application for reimbursement.
40.4	Amount of reimbursement.
40.5	Designation of boards or committees; procedure; forms.
40.6	Reconsideration.
40.7	Review.

AUTHORITY: §§ 40.1 to 40.7, issued under sec. 5, 61 Stat. 751, 24 U. S. C. 185; sec. 509, 58 Stat. 711, as amended by sec. 7, 62 Stat. 1018, 42 U. S. C. 227.

§ 40.1 *Who are officers and employees.* "Officers and employees" means all officers and employees of the Public Health Service and all employees of Saint Elizabeths Hospital, including employees of any agency, bureau, establishment, or department of the Government while detailed or assigned to perform duties under the direction and control of the Service or the Hospital.

§ 40.2 *Scope.* Any officer or employee whose personal belongings have been damaged or destroyed, while he was engaged in the performance of his official duties, by a patient shall be entitled to reimbursement for the cost of repair or replacement of such belongings. An officer or employee shall be entitled to reimbursement irrespective of whether the damage or destruction was intentional,

deliberate, or accidental, but he shall not be entitled to such reimbursement if he has contributed materially to the damage or destruction by failure to exercise reasonable care or by action contrary to regulations or instructions applicable to him.

§ 40.3 *Application for reimbursement.* No reimbursement shall be allowed unless application therefor is made in accordance with procedures prescribed pursuant to these regulations and not later than one year from the date of the damage or destruction with respect to which reimbursement is claimed.

§ 40.4 *Amount of reimbursement.* Officers and employees entitled to reimbursement shall be reimbursed in an amount determined to be reasonably necessary to restore the personal belongings involved to the degree of usefulness which they had at the time of their damage or destruction, or, if the cost of such repair would exceed the cost of replacement, then to replace them. Irrespective of what may be determined to be so necessary, reimbursement shall not be allowed in an amount in excess of \$300 unless the Superintendent or the Surgeon General or their authorized representatives shall approve the allowance.

§ 40.5 *Designation of board or committee; procedure; forms.* The Surgeon General and the Superintendent shall each prescribe procedures and forms for implementing the provisions of the regulations in this part and shall respectively designate from among the personnel of the Service and the Hospital a board or committee, consisting of not less than three members each, to receive applications for reimbursement and to allow reimbursement in accordance with the provisions of the regulations in this part.

§ 40.6 *Reconsideration.* Any determination shall be reconsidered by the board or committee making it if (a) the applicant requests reconsideration within six months from receipt of notice of the determination and (b) the applicant presents new evidence not previously discoverable by the exercise of reasonable diligence. Upon reconsideration, the board or committee shall make a new determination which shall supersede the original determination.

§ 40.7 *Review.* (a) An officer or employee who has applied for reimbursement in an amount exceeding \$50 and is dissatisfied with the determination of the board or committee may request a review thereof by the Surgeon General or the Superintendent, who shall thereupon review such determination. In addition, the Surgeon General or the Superintendent may in his discretion review any determination upon a request from the officer or employee and a showing of unusual circumstances, irrespective of the amount claimed.

(b) All requests for review must be received within ten days from receipt of notice of determination or denial of a request for reconsideration.

(c) All reviews shall be made on the basis of evidence before the board or

committee. Upon completion of the review of any determination, the Surgeon General or the Superintendent, as the case may be, shall affirm, modify or reverse such determination.

(d) The decision of the Surgeon General or the Superintendent shall in all cases be final.

(e) The Surgeon General and the Superintendent are authorized to delegate any of their functions under this section to officers or employees of the Service or Hospital not serving on a board or committee designated under § 40.5.

Effective date. The foregoing regulations shall become effective upon the date

of their publication in the FEDERAL REGISTER.

Dated: July 5, 1949.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 49-5605; Filed, July 11, 1949;
8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

17 CFR, Ch. IX 1

[Docket No. AO 204]

HANDLING OF MILK IN WORCESTER, MASS. PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Supp. I, 601 et seq.), and in accordance with the applicable rules of practice and procedure as amended (7 CFR and Supps. Part 900; 13 F. R. 8585), notice is hereby given of a public hearing to be held at the Lecture Room, Horticultural Hall, Worcester, Massachusetts, beginning at 11:00 a. m., e. d. s. t., July 27, 1949, for the purpose of receiving evidence with respect to a proposed marketing agreement and order hereinafter set forth, or appropriate modifications thereof, regulating the handling of milk in the marketing area of Worcester, Massachusetts, and nearby cities and towns. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The following provisions are proposed by New England Milk Producers' Association and United Dairy System, Inc.:

SEC. 9-1 Definitions. The following words and phrases shall have the following meanings unless the context requires otherwise:

(a) *General.* (1) "Act means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) "Worcester, Massachusetts, marketing area", also referred to as the "marketing area", means the territory included within the boundary lines of the following Massachusetts cities and towns:

Auburn.	Millbury.
Boylston.	North Brookfield.
Brookfield.	Paxton.
Clinton.	Shrewsbury.
East Brookfield.	West Brookfield.
Grafton.	Spencer.
Holden.	West Boylston.
Leicester.	Worcester.

(3) "Order" used with the name of another city means the respective order, as amended, issued by the Secretary, regulating the handling of milk in that marketing area.

(4) "Month" means a calendar month.

(b) *Persons.* (1) "Person" means any individual, partnership, corporation, association, or any other business unit.

(2) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(3) "Dairy farmer" means any person who delivers milk of his own production to a plant, except a producer-handler with respect to his deliveries in packaged form to another handler.

(4) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of April through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received non-pool milk on more than 3 days in any one of the preceding months of October through March.

(5) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets. The term shall also include a dairy farmer who ordinarily delivers to a handler's pool plant, but whose milk is diverted to one of the handler's nonpool plants, if the handler, in filing his monthly report pursuant to section 9-6 (a), reports the milk as receipts from a producer and as Class I milk at such pool plant.

(6) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(7) "Handler" means any person who engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(8) "Pool handler" means any handler who receives milk from producers at a pool plant.

(9) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk from other dairy farmers except producer-handlers.

(10) "Buyer-handler" means any handler who operates a bottling or processing plant from which Class I milk is dis-

posed of in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(c) *Plants.* (1) "Receiving plant" means any plant currently used for receiving, weighing or measuring, sampling and cooling milk received there directly from dairy farmers' farms and for washing and sterilizing the milk cans in which such milk is received, and at which are currently maintained weight sheets or other records of dairy farmers' deliveries.

(2) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in section 9-4 for being considered a pool plant in that month.

(3) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by a cooperative association of producers.

(4) "Federal order plant" means any plant at which the milk received from dairy farmers is subject during the month to the minimum pricing provisions of another order of the Secretary regulating the handling of milk pursuant to the act.

(5) "City plant" means any plant which is located within 10 miles of the marketing area.

(6) "Country plant" means any plant which is located beyond 10 miles of the marketing area.

(d) *Milk and milk products.* (1) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk as received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

(2) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term "cream" also includes sour cream, frozen cream, and milk and cream mixtures containing 16 percent or more of butterfat.

(3) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of 1 percent of butterfat.

(4) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, and

buttermilk, either individually or collectively.

(5) "Pool milk" means milk, including milk products derived therefrom which a handler has received as milk from producers.

(6) "Outside milk" means all milk, including milk products derived therefrom which is not pooled milk or receipts from other Federal order plants.

SEC. 9-2 Market administrator—(a) Designation. The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) **Powers.** The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To make rules and regulations to effectuate its terms and provisions;

(3) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(4) To recommend to the Secretary amendments to it.

(c) **Duties.** The market administrator, in addition to the duties described in other sections of this order, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by section 9-11, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 2 days after the date on which he is required to perform such acts, has not

(i) Made reports pursuant to section 9-6 or

(ii) Made payments pursuant to section 9-9, and may at any time thereafter so disclose any such name if authorized by the Secretary to do so.

(5) Prepare and disseminate for the benefit of producers, consumers and handlers, statistics and information concerning the operation of this order; and

(6) Promptly verify the information contained in the reports submitted by handlers.

(7) Give each of the producers delivering to a plant as reported by the handler prompt written notice of their actual or potential loss of producer status, for the first month of the marketing year in which the plant's status has changed or is changing to that of a nonpool plant.

SEC. 9-3 Classification of milk and milk products—(a) Classes of utilization. All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to the other provisions of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all fluid milk products the utilization of which is not established as Class II milk.

(2) Class II milk shall be all fluid milk products the utilization of which is established:

(i) As being sold, distributed, or disposed of other than as or in milk; and other than as or in flavored milk or flavored skim milk, buttermilk, or cultured skim milk, for human consumption; and

(ii) As plant shrinkage, not in excess of 2 percent of the volume handled.

(b) **Classification of milk and milk products utilized at regulated plants of pool handlers.** All milk and milk products received at a regulated plant of any pool handler shall be classified in accordance with their utilization at such plant, except as provided otherwise in paragraphs (c) and (d) of this section, and section 9-7 (d).

(c) **Classification of fluid milk products, other than cream, moved to other plants.** Milk, flavored milk, skim milk, cultured or flavored skim milk, or buttermilk which is moved from the regulated plant of a pool handler to any other plant shall be classified as follows:

(1) If moved to any other regulated plant, it shall be classified in accordance with its utilization at the plant to which it is moved.

(2) If moved to an unregulated plant, it shall be classified as Class I milk up to the total quantity of milk, or the corresponding milk product so moved, which is utilized as Class I milk at the unregulated plant.

(3) If moved to a regulated plant of a nonpool handler or to an unregulated plant, and thence to another such plant, it shall be classified as Class I milk.

(d) **Classification of cream moved to other plants.** Cream moved from the regulated plant of a pool handler to another plant shall be Class II to the extent of Class II utilization at such other plant.

(e) **Responsibility of handlers in establishing the classification of milk.** In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

SEC. 9-4 Determination of pool plant status. (a) Each receiving plant not a pool plant under New York, Boston or Springfield orders shall be a pool plant for the month in which the handler operates it in conformity with one of the following standards: *Provided*, That a majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Massachusetts General Laws, and the handler holds a license which has been issued by the milk inspector of a city or town in the marketing area pursuant to the Mas-

sachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in the municipality.

(1) A city plant from which at least 10 percent of total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or a city plant operated by a cooperative association of producers.

(2) Any other receiving plant from which 50 percent of the milk received from dairy farmers at such plant during the month was shipped to the marketing area and classified in Class I in accordance with section 9-3 and section 9-7 (d) if a written request has been received by the market administrator from the plant operator at least 15 days prior to the beginning of the month for which pool plant status is first requested: *Provided*, That any plant which has qualified as a pool plant under this subparagraph for each of the 6 months immediately preceding April of any year may be a pool plant regardless of the quantity shipped to market during the months of April through September of such year if written request to retain pool status for such 6-month period is made of the market administrator by the handler prior to April 1 of such year.

SEC. 9-5 Assignment of receipts to Class I milk and Class II milk—(a) General provisions. All receipts of milk and milk products other than milk received from producers and other handlers, shall be assigned to Class I milk or Class II milk as follows:

(1) **Receipts of cream and other milk products.** All receipts of cream, and milk products other than fluid milk products, shall be assigned to Class II milk.

(2) **Receipts of outside milk.** All receipts of outside milk shall be considered as receipts of Class II milk, and shall be assigned to that class without regard to the specific use of such receipts.

(3) **Receipts from other Federal order pool plants.** Receipts of fluid milk products, other than cream, from other Federal order pool plants shall be assigned to Class I milk or Class II milk as follows:

(i) Receipts from Springfield pool plants shall be assigned to Class I milk when classified in Class I under the Springfield order. Any remaining quantity of such receipts shall be assigned to Class II milk.

(ii) All receipts from Federal order plants other than Springfield during the months of April through July, inclusive, shall be assigned to Class II milk.

(iii) Receipts from Federal order plants other than Springfield during the months of August through March, inclusive, shall be assigned to Class I milk when classified in Classes I-A or I-B under the New York order, or Class I under another Federal order. Any remaining quantity of such receipts shall be assigned to Class II milk.

SEC. 9-6 Reports of handlers—(a) Monthly reports of pool handlers. On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received

by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(2) The receipts of fluid milk products at each plant from other handlers' city plants and country plants assigned to classes pursuant to section 9-5 and section 9-7 (d);

(3) The receipts of outside milk at each plant;

(4) The receipts from other Federal order plants; and

(5) The respective quantities which were sold, distributed or used, including sales to other handlers and dealers, classified pursuant to section 9-3.

(b) *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

(c) *Reports regarding individual producers.* (1) Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(2) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant location involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

(d) *Reports of payment to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer pay roll for such month, which shall show for each producer:

(1) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(2) The net amount of such handler's payments to such producer with the price, deductions, and charges involved.

(e) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

(f) *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this section or for the purpose of obtaining the in-

formation required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section;

(2) Weigh, sample and test milk and milk products; and

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

(g) *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided*, That if, within such 3-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

SEC. 9-7 Minimum class prices—(a) Class I prices. Each pool handler shall pay producers, in the manner set forth in section 9-9 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined for each month pursuant to this paragraph. In determining the Class I price for each month, the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the next succeeding work day shall be used:

(1) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(2) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variations, as reported by the Federal Reserve System, with the years 1935-39 as the base period, and divide the result so obtained by 1.26.

(3) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(i) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044, and multiply by 0.6.

(ii) Compute the weighted average of the monthly composite farm wage rates for the latest available month for Maine, Massachusetts, New Hampshire, and Vermont, as reported by the United States Department of Agriculture, divide by 0.5952, and multiply by 0.4. In computing the weighted average, weight the respective rates as follows: Maine, 10; Massachusetts, 6; New Hampshire, 7; and Vermont, 77.

(iii) Add the results determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(4) Divide by 3 the sum of the final results computed pursuant to the preceding subparagraphs of this paragraph. Express the results as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(5) Subject to the succeeding subparagraphs of this paragraph, the Class I price per hundredweight for milk received from producers at city plants, shall be as shown in the following table:

CLASS I PRICE SCHEDULE
CLASS I PRICE PER HUNDREDWEIGHT

Formula index	Jan.-Feb.- Mar.-July- Aug.-Sept.	Apr.-May- June	Oct.-Nov.- Dec.
50-56	\$2.21	\$1.77	\$2.65
57-63	2.43	1.99	2.87
64-70	2.65	2.24	3.09
71-77	2.87	2.43	3.31
78-84	3.09	2.65	3.53
85-90	3.31	2.87	3.75
91-97	3.53	3.09	3.97
98-104	3.75	3.31	4.19
105-111	3.97	3.53	4.41
112-118	4.19	3.75	4.63
119-125	4.41	3.97	4.85
126-132	4.63	4.19	5.07
133-139	4.85	4.41	5.29
140-146	5.07	4.63	5.51
147-152	5.29	4.85	5.73
153-159	5.51	5.07	5.95
160-166	5.73	5.29	6.17
167-173	5.95	5.51	6.39
174-180	6.17	5.73	6.61
181-187	6.39	5.95	6.83
188-194	6.61	6.17	7.05

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest index brackets.

(6) The Class I price shall be 44 cents more than the price prescribed in subparagraph (5) of this paragraph, if, under the provisions of the Boston order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period, ending with the second preceding month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents above the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price equal to the Class I price for the same month of the preceding year plus 88 cents.

(7) The Class I price shall be 44 cents less than the price prescribed in subparagraph (5) of this paragraph if, under the provisions of the Boston order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding month was Class II milk, except that if the operation of this subparagraph would cause the Class I price to be more than 88 cents below the Class I price for the same month of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the same month of the preceding year minus 88 cents.

(8) Notwithstanding the provisions of the preceding subparagraphs of this paragraph, the Class I price for any of the months March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(9) The Class I price determined under the preceding subparagraph of this paragraph shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201-210 miles, inclusive, as published in the New England Joint Tariff M-5, and supplements thereto. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

(b) *Class II price.* Each handler shall pay producers, at the time and in the manner set forth in section 9-9 and subject to the differentials set forth in paragraph (c) of this section for Class II milk delivered by them not less than the price per hundredweight determined for each month pursuant to this paragraph.

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is delivered, and multiply the result by 3.7.

(2) Multiply by 7.5 the average price per pound of roller process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is received.

(3) Add the results obtained in subparagraphs (1) and (2) of this paragraph, and from the sum subtract the amount shown below for the applicable month. The result is the Class II price per hundredweight for milk received from producers at city plants.

Month:	Amount (cents)
January and February.....	57.5
March and April.....	69.5
May and June.....	75.5

Month—Continued	Amount (cents)
July.....	69.5
August and September.....	63.5
October, November and December.....	57.5

(c) *Differentials for place of receipt of milk.* For milk received from producers by a handler at a country plant there shall be deducted from the prices set forth in paragraphs (a) and (b) of this section the following amounts applicable to Class I milk and Class II milk at such plant determined pursuant to paragraph (d) of this section. The distance of any plant from the marketing area recognized for the purpose of this section shall be the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall, Worcester, Massachusetts over highways on which the Highway Departments of the governing States permit milk tank trucks to move, or the railway mileage distance to Worcester, Massachusetts from the nearest railway shipping point, whichever is shorter.

A	B	C
Zone (miles)	Class I Price differentials (cents per cwt.)	Class II Price differentials (cents per cwt.)
41-50.....	-37.5	-2.0
51-60.....	-38.5	-3.0
61-70.....	-39.0	-3.0
71-80.....	-40.5	-3.0
81-90.....	-41.0	-3.0
91-100.....	-41.5	-3.0
101-110.....	-41.5	-4.5
111-120.....	-43.0	-4.5
121-130.....	-43.0	-4.5
131-140.....	-44.0	-4.5
141-150.....	-46.5	-4.5
151-160.....	-48.0	-6.0
161-170.....	-48.0	-6.0
171-180.....	-50.5	-6.0
181-190.....	-50.5	-6.0
191-200.....	-52.0	-6.0
201-210.....	-52.0	-7.0
211-220.....	-56.0	-7.0
221-230.....	-56.5	-7.0
231-240.....	-57.5	-7.0
241-250.....	-57.5	-7.0
251-260.....	-58.5	-8.0
261-270.....	-59.0	-8.0
271-280.....	-59.5	-8.0
281-290.....	-60.5	-8.0
291 and over.....	-61.5	-8.0

In case the rail tariff for the transportation of milk in carlots in tank cars or for the transportation of cream in 40-quart cans in carlots of 100-199 cans, as published in New England Joint Tariff—M No. 5 and supplements thereto or revisions thereof is increased or decreased, the zone price differentials set forth in this paragraph shall be correspondingly increased or decreased in the manner and to the extent provided in this paragraph. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such a rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change. Adjustments shall be made to the nearest one-half cent per hundredweight.

(d) *Assignment of Class I milk to plants.* Each handler's Class I milk dur-

ing each month shall be assigned to plants in the following order:

(1) Class I milk from other Federal order pool plants.

(2) Class I milk from other handler's city plants.

(3) Milk received directly from producers at handler's own city plant.

(4) Milk received from producers at handler's own country plants which was shipped as fluid milk products other than cream from his country plants, in the order of the nearness of the plants to the marketing area.

(5) Class I milk received from other handlers' country plants.

(e) *Use of equivalent prices in formulas.* If for any reason a price, index or wage rate specified by this section or section 9-9 (d) for use in computing class prices and for other purposes is not reported or published in the manner described by this section or section 9-9 (d), the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

(f) *Announcement of class prices and differentials.* The market administrator shall make public announcement of the class price in effect pursuant to this section, as follows:

(1) He shall announce the Class I price for each month on the 25th day of the preceding month except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(2) He shall announce the Class II price on or before the 5th day after the end of each month.

SEC. 9-8 *Minimum blended prices to producers.*—(a) *Computation of value of milk received from producers.* For each month, the market administrator shall compute the value of milk received from producers which is sold, distributed, or used by each pool handler, in the following manner:

(1) Multiply the quantity of milk in each class by the price applicable pursuant to section 9-7.

(2) Add together the resulting value of each class.

(b) *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each pool handler from whom the market administrator has received at his office, prior to the 11th day after the end of each month, the report for such month and the payments required pursuant to section 9-9 (b) (2) and (f) for milk received during each month since the effective date of the most recent amendment to this order.

(2) Add the total amount of payments required from handlers pursuant to section 9-9 (f).

(3) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the mar-

ket administrator by handlers pursuant to section 9-9.

(4) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to section 9-9 (e).

(5) Divide by the total quantity of milk for which a value is determined pursuant to subparagraph (1) of this paragraph; and

(6) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in section 9-9. This result shall be known as the basic blended price for milk containing 3.7 percent butterfat.

(c) *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(1) Such of these computations as do not disclose information confidential pursuant to the act;

(2) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to section 9-9 (e); and

(3) The names of the pool handlers, designating those whose milk is not included in the computation.

Sec. 9-9 Payments for milk—(a) *Advance payments.* On or before the 10th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment be at a rate less than the Class II price for such month. The provisions of this paragraph shall not apply to any handler who, on or before the 17th day after the end of the month, makes final payment as required by subparagraph (1) of paragraph (b) of this section.

(b) *Final payments.* On or before the 25th day after the end of each month, each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to section 9-9 (a) as follows:

(1) To each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in paragraphs (d) and (e) of this section, for the quantity of milk delivered by such producer; and

(2) To producers, through the market administrator, by paying to, on or before the 23d day after the end of each month, or receiving from the market administrator, on or before the 25th day after the end of each month, as the case may be, the amount by which the payments required to be made pursuant to subparagraph (1) of this paragraph are less than or exceed the value of milk as required to be computed for such handler pursuant to section 9-8 (a), as shown in a statement rendered by the market administrator on or before the 20th day after the end of such month.

(c) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments pursuant to subpara-

graph (2) of paragraph (b) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is payable by the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by this section, the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

(d) *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows:

(1) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10.

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to subparagraph (1) of paragraph (b) of this section shall be subject to the differentials set forth in Column B of the table in section 9-7 (c), and to further differentials as follows:

With respect to milk delivered by a producer whose farm is located not more than 30 miles from the City Hall in Worcester, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to section 9-7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

(f) *Payments on outside milk.* (1) Within 23 days after the end of each month, each pool handler, buyer-handler, or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity to producers, through the market administrator, at the difference between the price pursuant to section 9-7 (a) and the price pursuant to section 9-7 (b) effective for the location or freight mileage zone of the plant at which the handler received the outside milk.

(2) Within 23 days after the end of each month, each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment to producers, through the mar-

ket administrator, on the quantity so disposed of. The payment shall be at the difference between the price pursuant to section 9-7 (a) and the price pursuant to section 9-7 (b) effective for the location or freight mileage zone of the handler's plant.

(g) *Adjustment of overdue accounts.* Any balance due pursuant to this section, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent, effective the 11th day of such month.

(h) *Statements to producers.* In making payments to producers prescribed by subparagraph (1) of paragraph (b) of this section, each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (b), (d) and (e) of this section;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under section 9-10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

Sec. 9-10 Marketing services—(a) *Marketing service deduction.* In making payments to producers pursuant to section 9-9, each handler shall, with respect to all milk delivered by each producer during each month, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers who are members of an association of producers which is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to section 9-9 as may be authorized by such producers and pay over

on or before the 18th day after the end of each month, such deduction to such association.

SEC. 9-11 Expense of administration. Within 18 days after the end of each month, each handler shall make payment to the market administrator of his pro-rata share of the expense of administration of this order. The payment shall be at the rate of 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe. For each month, the payment shall apply to the handler's receipts of milk from producers, including receipts from his own production, and receipts of outside milk.

SEC. 9-12 Effective time, suspension, and termination—(a) Effective time. The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 9-13 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

SEC. 9-14 Termination of obligation. The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as

provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order, shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

The following proposals are made by the Worcester Milk Dealers Council to modify the proposal submitted by New England Milk Producers Association and United Dairy System, Inc.:

1. Add to the list of towns and cities in the proposed marketing area the following Massachusetts cities and towns:

Barre.
Northboro.
Northridge.
Oxford.
Princeton.

Rutland.
Sterling.
Sutton.
Uxbridge.
Westboro.

2. Revise section 9-5 to read as follows:

SEC. 9-5 Assignment of receipts from other plants—(a) Application of this section. For the purpose of determining the classification of milk received from producers, all receipts of milk and milk products at a regulated plant from any other plant shall first be assigned to Class I milk or Class II milk, in accordance with this section.

(b) *General provisions.* Except as otherwise provided in this section, all receipts of fluid milk products at a regulated plant shall be assigned to the class in which it is reported by the handler who operates the shipping plant, or if that handler submits no report, by the handler who operates the plant to which the fluid milk products were moved.

(c) *Assignment of receipts from plants at which the handling of milk is regulated under the Boston or New York orders.* Fluid milk products received from plants at which the handling of milk is regulated under the Boston or New York orders shall be assigned to Class I milk to the extent that the fluid milk products so received are classified as Class I milk under the Boston order, or as Class I-A milk, Class I-B milk, or Class I-C milk under the New York order. Any remaining quantity of such receipt shall be assigned to class II milk.

(d) *Assignment of receipts from plants located outside the New England States and New York.* Fluid milk products received from plants located outside the New England States and New York shall be assigned to Class I milk if received in the form of milk, and to Class II milk if received in any form other than milk.

(e) *Limitation on assignment of receipts to Class II milk.* Notwithstanding the provisions of the preceding paragraphs of this section, no greater quantity of receipts of fluid milk products, other than cream, at any regulated plant from other plants shall be assigned to Class II milk than the total quantity of fluid milk products, other than cream, classified as Class II milk at the regulated plant.

(f) *Receipts of cream, and of milk products other than fluid milk products.* All receipts of cream, and of milk products other than fluid milk products, shall be assigned to Class II milk to the extent of Class II utilization by the handler.

3. Revise section 9-7 (b) to eliminate the skim milk value in Class II milk.

The following proposal has been received from H. P. Hood and Sons, Inc.:

Add the following section:

SEC. 9-12 Marketing committee—(a) Establishment. At the request of handlers of 50 percent of the milk received from producers at pool plants, the Secretary may select a committee, to be known as the "Marketing Committee" which shall have as its members representatives of the various groups directly interested in the marketing of milk in the market-

ing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Secretary.

(b) *Duties.* The marketing committee shall have such duties as the Secretary determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this order, as amended, and the administration thereof, all of which duties shall be prescribed by the Secretary.

(c) *Compensation.* The members of the marketing committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected hereunder for the cost of administration hereof.

(d) *Supervision.* Each and every act of the marketing committee shall be subject to the continuing right of the Secretary to disapprove at any time.

(e) *Procedure.* The procedure to be followed by the marketing committee shall be recommended by the market administrator hereunder and shall be approved by the Secretary.

The following proposal is made by Hillcrest Dairy:

Substitute the following for section 9-9 (e) of the proposal made by New England Milk Producers Association and United Dairy System, Inc.:

(e) *Location differentials.* The payments to be made to producers by handlers pursuant to subparagraph (1) of paragraph (b) of this section shall be subject to the differentials set forth in Column B of the table in section 9-7 (c), and to further differentials as follows:

With respect to milk delivered by a producer whose farm is located not more than 30 miles from the City Hall in Worcester, or in one of the towns listed below, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to section 9-7 (a) and (c) which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

Ashby.	Warwick.
Ashburnham.	Irving.
Winchendon.	Northfield.
Athol.	Gill.
New Salem.	Bernardston.
Royalston.	Montague.
Orange.	

The following proposal is made by Deary Brothers, Inc., as a modification of the proposal made by New England Milk Producers Association and United Dairy System, Inc.:

Section 9-1 (d) (6) will read as follows:

(6) "Outside milk" means:

(i) All milk received from dairy farmers for other markets;

(ii) All nonpool milk, including other fluid milk products derived therefrom except cream, which is received at a regulated plant from any unregulated plant except receipts from other Federal order markets and receipts of emergency milk; and

(iii) All Class I milk after subtracting receipts of Class I milk from regulated plants which is disposed of to consumers in the marketing area from a non-regulated plant without its intermediate movement to another plant.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 7, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 49-5646; Filed, July 11, 1949; 9:04 a. m.]

[7 CFR, Part 926]

FRESH PRUNES GROWN IN UMATILLA COUNTY, OREG. AND WALLA WALLA AND COLUMBIA COUNTIES, WASH.

NOTICE OF PROPOSED ADMINISTRATIVE RULES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that consideration is being given to the following proposed administrative rules submitted by the Control Committee functioning under the marketing agreement and Order No. 26 (7 CFR, Part 926), regulating the handling of fresh prunes grown in Umatilla County, Oregon and Walla Walla and Columbia Counties, Washington, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended:

§ 926.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement No. 77 and Order No. 26 (7 CFR, Part 926), regulating the handling of fresh prunes grown in Umatilla County, Oregon, and Walla Walla and Columbia Counties, Washington.

(b) All terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

§ 926.101 *General.* Unless otherwise provided in the marketing agreement and the order, or required by the Control Committee, all reports, applications, submissions, requests and communications in connection with the marketing agreement and order shall be addressed as follows:

Control Committee,
Milton, Oregon.

§ 926.105 *Exemption certificates.* (a) Each application for an exemption certificate shall be submitted on form "Grower Application for Exemption Certificate" which may be obtained from the Control Committee, and shall contain the following information:

(1) The name and address of the grower-applicant;

(2) The location of each orchard from which prunes are to be shipped pur-

suant to the exemption certificate requested;

(3) The number and age of all of applicant's prune trees and the estimated crop therefrom;

(4) The reasons why the prunes for which exemption is requested will not meet the grade requirements then in effect; and

(5) The name of the handler who will ship the exempted prunes.

(b) Upon receipt of a properly submitted application, the Control Committee shall make, or cause to be made, an investigation to determine whether the applicant is entitled to an exemption certificate and, if so, the quantity of prunes to be covered by the exemption certificate. In the event the Control Committee determines that the applicant is entitled to an exemption certificate, it shall issue the certificate. If the Control Committee determines that the applicant is not entitled to an exemption certificate, it shall so advise the applicant promptly in writing and state the reasons therefor.

(c) Any grower, who is dissatisfied with the determination of the Control Committee regarding his application for an exemption certificate, may file with the Control Committee for submission to the Secretary of Agriculture, a written appeal together with a showing why the determination is improper. The Control Committee shall promptly submit such appeal, together with all evidence and data relating thereto, to the Secretary.

(d) Each exemption certificate issued shall specify the name and address of the grower to whom issued, the date of issuance, and the quantity of prunes covered by the exemption certificate.

§ 926.108 *Daily reports of prunes shipped.* During each period when any grade regulation is in effect pursuant to the marketing agreement and order, each handler shall submit a report daily to the Control Committee, on the form provided by the committee, stating each quantity of prunes handled during the previous day. Each report shall also state the car number or truck license number, as the case may be; the number and kind of packages; the net weight of each quantity of prunes handled; and the number of each shipping point inspection certificate issued with respect to each shipment of such prunes.

All persons who desire to submit data, views, or arguments with respect to such proposed rules may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Issued this 6th day of July 1949.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5620; Filed, July 11, 1949; 8:54 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 11]

DISPOSAL OF SURPLUS PROPERTY

TERMINATION OF THE OFFICE OF THE FOREIGN LIQUIDATION COMMISSIONER AND ASSIGNMENT OF RESIDUAL FUNCTIONS

1. Effective June 30, 1949, the Office of the Foreign Liquidation Commissioner is abolished. *Delegation of Authority to the Foreign Liquidation Commissioner and Deputy Foreign Liquidation Commissioner* (Public Notice No. 4, 14 F. R. 1218) is canceled, effective June 30, 1949, and the responsibility and authority for performance of residual functions of disposal of surplus property in foreign areas assigned as follows:

(a) Under the general supervision of the Assistant Secretary of State for Economic Affairs, the Director of the Office of Financial and Development Policy shall have the responsibility and authority vested in the Department of State for administration and coordination of policies and actions with respect to outstanding agreements and commitments relating to disposals in foreign areas, future disposals in foreign areas by other agencies of the United States, and future disposals for which the Department of State may be responsible as a disposal agency.

(b) Under the general supervision of the Deputy Under Secretary for Administration, the Director of the Office Management and Budget shall have the responsibility and authority vested in the Department of State for maintenance of accounts and other fiscal records relating to commitments, contracts and agreements of disposal of property in foreign areas previously executed or to be executed under the authority of the Department of State as a disposal agency.

2. *Authority to execute agreements and other documents.* The Director of the Office of Financial and Development Policy is authorized to execute such agreements, contracts and other documents on behalf of the United States or the Department of State as may be necessary or desirable in the performance of the above assigned functions and may redelegate this authority to other officers of the Department of State or another Government Agency.

(58 Stat. 765, 59 Stat. 533, 60 Stat. 168, 60 Stat. 754; 50 U. S. C. App., Supp. 1611, 1614a, 1614b; E. O. 9630, Sept. 27, 1945, 3 CFR 1945 Supp.; Pub. Law 152, 81st Cong.)

Effective date: June 30, 1949.

[SEAL]

DEAN ACHESON,
Secretary of State.

JULY 6, 1949.

[F. R. Doc. 49-5609; Filed, July 11, 1949;
8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 344]

UNION STOCK YARDS CO. OF OMAHA (LTD.)

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on February 11, 1949 (8 A. D. 163) authorizing the respondent to continue to assess the charges set out in its Tariff No. 12 for a period of two years beginning on March 28, 1949.

By petition filed on May 16, 1949, the respondent has requested an authorization to increase its yardage charges as indicated below:

	Proposed rates	Present rates
(a) All livestock received, and (b) all livestock reweighed or resold	Per head	
Cattle (except bulls 700 pounds or over)	\$0.75	\$0.70
Bulls (minimum 700 pounds)	1.00	1.00
Calves (maximum 400 pounds)	.42	.40
Hogs	.26	.24
Sheep or goats	.16	.15
Horses or mules	.70	.70

Exceptions:

(a) Yardage will not be assessed against livestock handled for the railroads, unloaded for feed, water, and rest, unless such stock changes ownership.

(b) Yardage will not be assessed against livestock forwarded to other markets or returned to point of origin subject to the following conditions: First: Must not be sold or weighed. Second: Must not change ownership. Third: Must be forwarded in the same name as originally consigned.

(c) Yardage charges on slaughter livestock consigned direct to packers will be at the following rates, provided packers accept delivery of stock at unloading chutes and remove stock from premises as soon as weighed:

	Cents per head	Cents
Cattle (except bulls 700 pounds or over)	37	35
Bulls (minimum 700 pounds)	50	50
Calves	21	20
Hogs	13	12
Sheep or goats	8	7

(d) Livestock resold or reweighed, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:

	Cents per head	Cents
Cattle	25	23
Calves	14	14
Hogs	9	8
Sheep or goats	5	5

(e) Livestock resold or reweighed, other than through a commission firm, in these yards for shipment off the market, the following charges will apply:

	Cents per head	Cents
Cattle	12	11
Calves	7	7
Hogs	5	5
Sheep or goats	2	2
Horses or mules	12	12

Inasmuch as the authorization petitioned for will produce additional revenue for the respondent and increase yardage charges to the public, it appears that notice of the petition should be given to the public in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice of the filing of the petition is hereby given to the public and to all interested persons. All interested persons who desire to be heard upon the matter requested in said petition shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Done at Washington, D. C., this 5th day of July 1949.

[SEAL]

H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-5608; Filed, July 11, 1949;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3350]

IATA AGENCY RESOLUTIONS PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the resolutions adopted at the second meeting of Traffic Conferences Nos. 1, 2 and 3 of the International Air Transport Association evidencing agreements between members of the International Air Transport Association relating to agents.

Notice is hereby given that hearing in the above-entitled proceeding now assigned to be held July 18, 1949, is hereby postponed until September 12, 1949, at 10:00 a. m., e. d. s. t., in Conference Room A, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., July 7, 1949.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-5629; Filed, July 11, 1949;
8:56 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5762]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JULY 6, 1949.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, 16 U. S. C. 791a-825r, El Paso Electric Company on June 20, 1949, filed with the Federal Power

Commission an application for amendment of the authorization previously granted by the Commission under said act so as to permit an increase in the exportation of electric energy from a point near El Paso, Texas, to a point in or near Juarez, Mexico, in quantities up to 30,000,000 kilowatt-hours annually at a rate of supply not to exceed 7,500 kilowatts. The present exportation is limited to 25,000,000 kilowatt-hours annually at a rate of supply not to exceed 5,000 kilowatts.

Any person desiring to be heard or to make any protest with reference to the proposed amendment should, on or before July 25, 1949, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations under the Federal Power Act.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5612; Filed, July 11, 1949;
8:50 a. m.]

[Docket No. G-1229]

MONTANA-DAKOTA UTILITIES CO. AND MONTANA-WYOMING GAS PIPE LINE CO.

NOTICE OF APPLICATION

JULY 6, 1949.

Take notice that Montana-Dakota Utilities Co. and Montana-Wyoming Gas Pipe Line Co., Delaware corporations, 821 Second Avenue South, Minneapolis 2, Minnesota, filed on June 23, 1949, a joint application signed by common officers for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe line facilities hereinafter described.

Applicant Montana-Wyoming Gas Pipe Line Co. (Montana-Wyoming) proposes to construct (1) a welded 12¾ inch O. D. natural gas transmission pipe line having a capacity of 35 million cubic feet with a working pressure of 800 p. s. i. gauge, approximately 340 miles in length, extending from a point near The Pure Oil Company's gasoline plant near Worland, Washakie County, Wyoming, to the Cabin Creek compressor station of Montana-Dakota Utilities Co. (Montana-Dakota); and (2) a combination gas compressor, dehydration and sulphur removal plant located near the site of The Pure Oil Company's gasoline plant near Worland, Wyoming, the compressor facilities having 3,200 horsepower capacity with sulphur removal and dehydration facilities for 35,000 Mcf of natural gas per day.

Applicant Montana-Dakota proposes to construct (1) a 3-inch pipe line approximately 3 miles in length from the facilities to be constructed by Montana-Wyoming to the City of Forsyth, Montana, where Montana-Dakota proposes to install a gas distribution system within 5 years; and (2) an 8-inch pipe line approximately 1½ miles in length from the facilities of Montana-Wyoming to the system of Montana-Dakota at Miles City, Montana.

The facilities to be built by Montana-Wyoming are to be leased to and operated by Montana-Dakota as an integral part of its Baker-Bowdoin gas transmission system.

The estimated cost of the facilities is \$8,419,880, including \$43,000 as the estimated cost of the branch lines to be constructed and owned by Montana-Dakota. Montana-Wyoming proposes to finance its construction (1) through the issuance to two insurance companies of \$6,000,000 in 3½ percent first mortgage bonds; (2) a \$900,000 2½ percent note payable to The National City Bank of New York; and (3) 135,000 shares of common stock at a price to provide a minimum of \$10 per share net.

Montana-Dakota stresses the necessity for the additional supply of gas because of the declining pressures in the Baker and Bowdoin fields and proposes to increase its retail rates to consumers in Montana, North Dakota and South Dakota served by its Baker-Bowdoin system to produce additional gross revenues of approximately \$550,000 annually at the present rates of consumption.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5613; Filed, July 11, 1949;
8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1109]

E. I. DU PONT DE NEMOURS & Co.
COMMON STOCK, \$5 PAR VALUE

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of July A. D. 1949.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5 Par Value, of E. I. du Pont de Nemours & Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 25, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts

bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5606; Filed, July 11, 1949;
8:45 a. m.]

[File No. 7-1110]

BENGUET CONSOLIDATED MINING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of July A. D. 1949.

The San Francisco Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Capital Stock, One Peso Par Value, of Benguet Consolidated Mining Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 25, 1949, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 49-5607; Filed, July 11, 1949;
8:47 a. m.]

UNITED STATES MARITIME COMMISSION

[Docket No. 688]

ALASKA STEAMSHIP CO.; SERVICE CHARGE

NOTICE OF HEARING.

By order dated June 30, 1949, the Commission, pursuant to section 3 of the In-

tercoastal Shipping Act, 1933, as amended (47 Stat. 1426; 46 U. S. C. sec. 845), suspended until November 1, 1949, the operation of a certain tariff schedule filed by Alaska Steamship Company in which it was proposed to assess a service charge on cargo when passing over-all terminals, other than its own, at Seattle and Tacoma, Washington. Such service charge is contained in Supplement No. 6, to Alaska Steamship Company's Terminal Tariff U. S. M. C. F-No. 33, to become effective July 1, 1949.

The Commission ordered a hearing concerning the lawfulness of the rates and regulations stated in said schedule. The time and place of such hearing will be announced by written notice to persons making request to appear and be heard. The hearing will be conducted in conformity with the Commission's rules of procedure (12 F. R. 6076).

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to be heard at such hearing should file with the Commission immediately, written request to appear and be heard.

By order of the United States Maritime Commission.

Dated: July 6, 1949.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 49-5615; Filed, July 11, 1949;
8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13405]

GERHARDT PAUL MOKROS

In re: Estate of Gerhardt Paul Mokros, deceased. File No. D-28-9631; E. T. sec. 13370.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Mokros and Louise (Ingard) Mokros, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Gerhardt Paul Mokros, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harriet Foster, as administratrix, acting under the judicial supervision of the Probate Court of Hennepin County, Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the

national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5622; Filed, July 11, 1949;
8:55 a. m.]

[Vesting Order 13413]

MARY REICHARDT

In re: Trust under the will of Mary Reichardt, deceased. File No. D-28-9568-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Reinhold Reichardt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the trust created under the will of Mary Reichardt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The First National Bank of Chicago, as Trustee, acting under the judicial supervision of the Circuit Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5623; Filed, July 11, 1949;
8:55 a. m.]

[Vesting Order 13431]

ERNST FLENTJE

In re: Trust under the will of Ernst Flentje, deceased. File No. D-28-11941; E. T. sec. 16124.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Heinz Eduard Willi Bruening, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the trust created under the will of Ernst Flentje, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Old Colony Trust Company, as trustee, acting under the judicial supervision of the Middlesex County Probate Court, Cambridge, Massachusetts;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5624; Filed, July 11, 1949;
8:55 a. m.]

[Vesting Order 13446]

MARGARET NOLTE ET AL.

In re: Trust agreement dated October 28, 1936 between Margaret Nolte et al., grantors, and Hudson Trust Company, trustee. File No. F-28-14008-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Nolte, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Margaret Nolte, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest, and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to and arising out of or under that certain trust agreement dated October 28, 1936, by and between Hudson Trust Company, appointed trustee by Adolf Ludeke under power of appointment contained in the will of Ernest Ludeke, deceased, and Margaret Nolte, grantors, and Hudson Trust Company, trustee, presently being administered by Hudson Trust Company, trustee, 51 Newark Street, Hoboken, New Jersey,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next of kin, legatees, and distributees, names unknown, of Margaret Nolte are not within a designated enemy country, the national interest of

the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5625; Filed, July 11, 1949;
8:55 a. m.]

[Vesting Order 13451]

GEORGE C. M. THIESEN

In re: Estate of George C. M. Thiesen, deceased. File No. D-28-12476; E. T. sec. No. 16690.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Anton Wilhelm and Magda Wilhelm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of George C. M. Thiesen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fannie Winterton and Frances Von Bergen, 484 Windsor Road, Wood Ridge, New Jersey, as Executrices, acting under the judicial supervision of the Bergen County Orphans' Court, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5626; Filed, July 11, 1949;
8:55 a. m.]

[Vesting Order 13454]

GERTRUDE STERTZGEB ALZHEIMER ET AL.

Correction

In F. R. Document 49-5378, appearing on page 3715 of the issue for Wednesday, July 6, 1949, change the name "Alzheimer," in the first line under *Name and Address* to read "Alzheimer."